

PAYMENT OF NOTARIAL FEES.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A communication from the Commissioner of Customs in relation to the estimate for payment of notarial fees.

JANUARY 25, 1893.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
January 24, 1893.

SIR: I have the honor to transmit herewith for the consideration of Congress a communication from the Commissioner of Customs of the 19th instant, in relation to the estimate for payment of notarial fees, submitted to Congress for an appropriation April 20, 1892, and contained in House Ex. Doc. No. 205, Fifty-second Congress, first session, pages 6 and 17.

Respectfully yours,

CHARLES FOSTER,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D. C., January 19, 1893.

SIR: At the request of Hon. J. Davis Duffield, of Philadelphia, I have the honor to call your attention to certain balances still standing against late collectors of customs on account of the disallowance of sums paid by them for administering oaths to customs employes, and to certain claims of notaries public for administering oaths to customs employes, and would request that the matter be again laid before Congress. For a complete list of these balances and claims and an explanation of their character, I would respectfully refer to my letter of February 11, 1892, a printed copy of which, taken from your report to

Congress, is herewith inclosed. See House of Representatives Executive Document No. 205, Fifty-second Congress, first session, pages 6 and 17.

Respectfully yours,

SAMUEL V. HOLLIDAY,
Commissioner of Customs.

The SECRETARY OF THE TREASURY.

[From House Ex. Doc. 205, Fifty-second Congress, first session, page 6.]

Payment of notarial fees—

To pay the following notaries public for administering the oaths required by sections 1790 and 2693, Revised Statutes, of officers and employes of the customs service, viz:

J. Davis Duffield, Philadelphia, Pa. (submitted).....	\$383. 80
H. R. Schultz, Philadelphia, Pa. (submitted).....	322. 30
William H. Masson, Baltimore, Md. (submitted).....	16. 50
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	722. 60

To authorize the accounting officers of the Treasury to credit the accounts of the following collectors of customs and disbursing agents to the several sums paid by them for administering the oaths required by sections 1790 and 2693, Revised Statutes, of officers and employes of the customs service and which were disallowed in settlement of their accounts, not to involve any further expenditure of money from the Treasury, viz:

James B. Groome, Baltimore, Md.....	20. 50
Charles C. Hubbard, Hartford, Conn.....	49. 00
John Cadwallader, Philadelphia, Pa.....	703. 30
Charles H. Robinson, Wilmington, N. C.....	23. 25
Hyman Abraham, Willamette, Oregon.....	19. 00
John S. Hager, San Francisco, Cal.....	.25

NOTE—See letter of Commissioner of Customs in Appendix D.

[From H. Ex. Doc. 205, Fifty-second Congress, first session, page 17.]

APPENDIX D.

In relation to the estimate "Payment of notarial fees." (See page 6.)

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF CUSTOMS,
Washington, D. C., February 11, 1892.

SIR: I have the honor to call your attention to the following balances standing against late collectors of customs on account of disallowance of sums paid by them for administering oaths to customs employes in their several districts, as required by sections 1790 and 2693, Revised Statutes:

Account "expenses of collecting the revenue from customs:"

James B. Groome, late collector at Baltimore, Md.....	\$20. 50
Charles C. Hubbard, late collector at Hartford, Conn.....	49. 00
John Cadwallader, late collector at Philadelphia, Pa.....	703. 30
Charles H. Robinson, late collector at Wilmington, N. C.....	23. 25
Hyman Abraham, late collector at Willamette, Oregon.....	19. 00
John S. Hager, late collector at San Francisco, Cal.....	.25

These expenditures were made by direct authority of the Department, but were afterwards disallowed by this office, because it had since been decided by the Attorney-General that the cost of administering such oaths, when paid by an employe, is not a proper charge against the Government. (See Department Circular 106, dated October 25, 1889, or Decision No. 9671, in Synopsis for 1889.)

Under the circumstances, however, it would seem that these officers should not be held for the amounts so paid prior to the promulgation of the decision. Indeed,

grave doubts exist as to their recovery in an action at law. They were paid by authority of the Department as legitimate "expense of collecting the revenue from customs," and the officers reimbursed themselves out of funds in their hands, and their accounts would now be settled and closed but for these disallowances, which remain as a charge against them.

I therefore recommend that the matter be laid before Congress, with the request that the accounting officers be authorized to allow the amounts above set forth, no appropriation or further expenditure of money from the Treasury being required therefor.

I would also call attention to the following claims of notaries public, the same being for notarial fees charged for administering oaths to customs employes prior to the promulgation of the opinion of the Attorney-General referred to:

J. Davis Duffield, Philadelphia.....	\$383. 80
H. R. Schultz, Philadelphia.....	322. 30
William H. Masson, Baltimore.....	16. 50

At the time these fees accrued the whole question was in a state of uncertainty, owing to a discontinuance of the practice of administering such oaths by collectors and their deputies; but as they were required by law (sections 1790 and 2693, R. S.), and as the Government was at that time supposed to be responsible for the cost, I am of the opinion that these claims are just and should be paid. I therefore recommend that Congress be requested to make an appropriation to satisfy those claims.

The attention of the honorable Secretary of the Treasury was called to these matters in letters under date of January 25 and January 31, 1890, and, being approved, the recommendations were embodied in his report and "estimate of deficiencies in appropriations for the fiscal year ending June 30, 1890, and prior years." (See House Ex. Doc. No. 174, Fifty-first Congress, first session, p. 10; also see Appendix F, in same document, p. 42.)

Also, the attention of the honorable Secretary was again called to the matter in a letter dated January 18, 1891, in which the fact was emphasized that every one of the collectors named had retired from office, rendering it especially important that their accounts should be settled and closed as speedily as possible.

I am unable to learn that any action whatever was taken by the Fifty-first Congress, and I therefore recommend that the whole matter be laid before the present Congress.

Respectfully yours,

SAML. V. HOLLIDAY,
Commissioner of Customs.

THE SECRETARY OF THE TREASURY.



